

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25850

PERMIT 17714

LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, CHANGE IN
POINT OF DIVERSION, PLACE OF USE, ADDITION OF A POINT
OF REDIVERSION AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use and a petition to change point of diversion on the Russian River and place of use, and add a point of rediversion have been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said change.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1990

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1991

3. Paragraph 2 of this permit regarding points of diversion and rediversion is amended to read as follows:

Point of Diversion:

Russian River: South 2,400 feet and East 1,600 feet from NW corner of projected Section 25, T14N, R12W, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25.

Point of Rediversion:

Reservoir: South 2,500 feet and West 700 feet from NE corner of projected Section 26, T14N, R12W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26.

4. Paragraph 3 of this permit regarding the place of use is amended as follows:

3 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 26, T14N, R12W, MDB&M
3 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 26, T14N, R12W, MDB&M
32 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 26, T14N, R12W, MDB&M
15 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 25, T14N, R12W, MDB&M
5 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 25, T14N, R12W, MDB&M
10 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 25, T14N, R12W, MDB&M
2 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 25, T14N, R12W, MDB&M

70 acres total

5. Paragraph 12 of this permit is deleted. A new paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: APRIL 16 1987



Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25850

PERMIT 17714

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1984

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1985

Dated: **MARCH 6 1984**

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17714

Application 25850 of Brian R. White and Helen White,
313 Henry Station Road, Ukiah, California 95482

filed on October 12, 1978, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Russian River

Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
S850 ft and E1050 ft from NW Corner of Projected Section 25	NW¼ of NW¼	25	14N	12W	MD

County of Mendocino

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Stockwatering						
Irrigation	NW¼ of NW¼	25	14N	12W	MD	5
	SW¼ of NW¼	25	14N	12W	MD	21
	NE¼ of NE¼	26	14N	12W	MD	2
	SE¼ of NE¼	26	14N	12W	MD	32
	SW¼ of NE¼	26	14N	12W	MD	6
	NE¼ of SE¼	26	14N	12W	MD	4
					Total	70

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.8 CUBIC FOOT PER SECOND TO BE DIVERTED FROM MAY 1 TO SEPTEMBER 30 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 140 ACRE-Feet PER YEAR.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1982. ← (0000008)

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1983. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. TO THE EXTENT THAT WATER AVAILABLE FOR USE UNDER THIS PERMIT IS RETURN FLOW, IMPORTED WATER, OR WASTEWATER, THIS PERMIT SHALL NOT BE CONSTRUED AS GIVING ANY ASSURANCE THAT SUCH SUPPLY WILL CONTINUE. (0000025)

15. THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME, PROVIDED THERE BE NO INTERFERENCE WITH OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED FURTHER THAT ALL TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED. (0000027)

16. IN ACCORDANCE WITH SECTION 1603 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL THE DEPARTMENT OF FISH AND GAME HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE. (0000063)

17. FOR THE PROTECTION AND PRESERVATION OF FISHLIFE AND THE MAINTENANCE OF WATER-RELATED RECREATIONAL USES, PERMITTEE SHALL DIVERT ONLY WHEN THE FLOW IN THE RUSSIAN RIVER EXCEEDS 150 CUBIC FEET PER SECOND AND ONLY AT A RATE NOT EXCEEDING SAID EXCESS, CEASING ALL DIVERSION WHEN THE FLOW IN THE RIVER IS 150 CUBIC FEET PER SECOND OR LESS. RIVER FLOWS SHALL BE MEASURED AT THE NEAREST U. S. GEOLOGICAL SURVEY GAGING STATION ON THE RIVER. (0140068)

18. AVAILABILITY OF WATER FOR APPROPRIATION UNDER THIS PERMIT DURING THE CRITICAL PERIOD OF JULY 1 THROUGH OCTOBER 31 IS DEPENDENT UPON WATER REMAINING AVAILABLE UNDER THE ALLOCATION OF 8,000 ACRE-Feet PER ANNUM FROM COYOTE VALLEY RESERVOIR (LAKE MENDOCINO) FOR USE IN THE RUSSIAN RIVER VALLEY IN MENDOCINO COUNTY. IF SUBSEQUENT STUDIES SHOW THAT THE ABOVE-MENTIONED ALLOCATION HAS BEEN FULLY USED BEFORE USE IS COMPLETED UNDER THIS PERMIT, A LICENSE SHALL BE ISSUED ONLY FOR THE AMOUNT OF WATER, IF ANY, WHICH HAS BEEN PUT TO USE UNDER THIS PERMIT AND WHICH IS INCLUDED IN THE ALLOCATION. (0000081)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

SEPTEMBER 14 1979

STATE WATER RESOURCES CONTROL BOARD

M. A. Lampson
CHIEF, DIVISION OF WATER RIGHTS